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Judge Chun

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FAMILIAS UNIDAS POR LA JUSTICIA,  
AFL-CIO, a labor organization

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
LABOR, and LORI CHAVEZ-DeREMER, in  
her official capacity as United States Secretary  
of Labor,

Defendants.

CASE NO. C24-0637JHC

**JOINT STIPULATION FOR  
ORDER MODIFYING SECOND  
PRELIMINARY INJUNCTION;  
ORDER THEREON**

(Note on Motion Calendar for:  
April 24, 2025)

WHEREAS on March 28, 2025, the Court entered a second preliminary injunction in this action (Dkt. #145); and

WHEREAS on April 14, 2025, Defendants filed a motion to alter or amend the second preliminary injunction entered in this action pursuant to Rule 59(e), Fed. R. Civ. P (Dkt. # 154), which is presently noted for April 29, 2025; and

WHEREAS the parties have reached agreement on wording to modify the second preliminary injunction and further agree that if the proposed modification is adopted by the Court, Defendants' motion to alter or amend the second preliminary injunction may be taken off-calendar;

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JOINT STIPULATION FOR ORDER MODIFYING SECOND PRELIMINARY  
INJUNCTION; ORDER THEREON - 1  
(Case No. C24-0637JHC)

UNITED STATES ATTORNEY  
5220 UNITED STATES COURTHOUSE  
700 Stewart Street  
Seattle, Washington 98101-1271  
(206)-553-7970

1 NOW THEREFORE, the parties, through their respective attorneys of record, do hereby  
 2 stipulate and agree that the Court may make and enter the following order:

3     **1. The preliminary injunction issued by the Court on March 28, 2025 (Dkt. # 145), shall  
 4 be modified as follows;**

5         **All text starting at p. 19, line 20, through p. 20, line 10, of Dkt. # 145 shall be stricken  
 6 and replaced completely with the following text:**

- 7             • **Immediately take the following actions with regard to the AEWR-only job orders  
 8 approved when there is an applicable prevailing piece rate wage for the particular crop  
 9 or agricultural activity located in Washington since November 25, 2024:**
  - 10             • **Give notice to all relevant employers in Washington that they must  
 11 unequivocally offer and pay the applicable prevailing piece rate wage(s) under the  
 12 2020-Survey prevailing wage rates in compliance with the Ninth Circuit's  
 13 conclusion on the application of 20 C.F.R. §§ 655.120(a) and 655.122(l) in *Torres  
 Hernandez v. Su*, 2024 WL 2559562, at \*1 (9th Cir. May 24, 2024) from the date of  
 14 notice forward;**
  - 15             • **Give notice to all relevant employers in Washington that they must  
 16 expeditiously disclose applicable piece-rate prevailing wages to their employees;**
  - 17             • **Post notice on the Department's Office of Foreign Labor Certification Web  
 18 Announcement webpage, the Foreign Labor Application Gateway (FLAG system),  
 19 and the Agricultural Online Wage Library (AOWL), listing the currently  
 20 applicable piece-rate prevailing wage rates for Washington, that states that all  
 21 relevant employers employing workers in a specific crop or agricultural activity  
 22 must offer and pay the applicable active prevailing piece rate wage for work  
 23 performed in Washington. The Department will keep such notice posted to the  
 24 FLAG system and AOWL at least until 50 percent of the work contract period  
 25 lapses for the relevant certifications**
  - 26             • **Request Washington ESD to post a notice on its WorkSource website with  
 27 all active applicable piece-rate prevailing wage rates for Washington, and which  
 28 states that all relevant employers employing workers in a specific crop or  
 agricultural activity must offer and pay the applicable active prevailing piece rate  
 wage for work performed in Washington, and asking that such notice remain  
publicly available until 50 percent of the work contract period lapses for the  
relevant certifications; and**
  - 29             • **Take immediate action to ensure that all current and future proposed job orders for  
the 2025 season are reviewed for compliance consistent with this Order.**

30     **2. The preliminary injunction issued by this Court, as modified by this order, shall be  
 31 effective immediately.**

1           **3. Defendants' Motion to Partially Alter or Amend Second Preliminary Injunction**  
2           **(Dkt. # 154) shall be taken off-calendar.**

3           **SO STIPULATED.**

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5           DATED this 24th day of April 2025.

6

7           TEAL LUTHY MILLER  
8           Acting United States Attorney

9           */s/ Brian C. Kipnis*  
10          BRIAN C. KIPNIS  
11          Assistant United States Attorney  
12          Office of the United States Attorney  
13          5220 United States Courthouse  
14          700 Stewart Street  
15          Seattle, Washington 98101-1271  
16          Phone: (206) 553-7970  
17          E-mail: brian.kipnis@usdoj.gov

18          Attorneys for Defendants

19          I certify that this memorandum contains 526 words,  
20          in compliance with the Local Civil Rules.

21           **SO STIPULATED.**

22           DATED this 24th day of April 2025.

23           COLUMBIA LEGAL SERVICES

24           *s/ Andrea Schmitt*  
25          Andrea Schmitt, WSBA #39759  
26          711 Capitol Way S., Ste. 706  
27          Olympia, WA 98501  
28          (360) 943-6260  
29          [andrea.schmitt@columbialegal.org](mailto:andrea.schmitt@columbialegal.org)

30          Attorneys for Plaintiff

31          JOINT STIPULATION FOR ORDER MODIFYING SECOND PRELIMINARY  
32          INJUNCTION; ORDER THEREON - 3  
33          (Case No. C24-0637JHC)

34          UNITED STATES ATTORNEY  
35          5220 UNITED STATES COURTHOUSE  
36          700 Stewart Street  
37          Seattle, Washington 98101-1271  
38          (206)-553-7970

## ORDER

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of April 2025.

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JOHN H. CHUN  
United States District Judge